

Case 1:23-cv-08962-LAK Document 32 Filed 04/21/25 Page 1 of 3
COMMODITY FUTURES TRADING COMMISSION



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MEMO ENDORSED

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April 21, 2025

VIA ECF

Honorable Lewis A. Kaplan
 United States District Court
 Southern District of New York
 Courtroom 21B
 500 Pearl Street
 New York, NY 10007

JUDGE'S SIGNATURE	816-960-7771
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Re: CFTC v. Stephen Ehrlich, Civil Action No. 1:23-cv-8962 (LAK)

Dear Judge Kaplan:

I write as counsel for Plaintiff in this action. Plaintiff Commodity Futures Trading Commission ("Commission") and Defendant Stephen Ehrlich (the "Parties") jointly request that this matter be stayed for ninety (90) days as the Parties work expeditiously to present a consent order resolving the matter to your Honor for consideration. The basis for the duration of the requested stay is set forth below.

Late last week, the Parties reached an agreement in principle that is expected to fully resolve this matter. The Parties request a stay in this matter, including all deadlines and hearings in the Scheduling Order (Dkt. 29), to preserve the Parties' resources, maximize judicial economy, and avoid imposing undue burden on third-party discovery subjects. Currently, discovery in this matter is scheduled to close on May 31, 2025. (*Id.*). Any summary judgment motions and a joint pretrial order are due by June 30, 2025, and the trial in this matter is set to commence on September 8, 2025. (*Id.*). Accordingly, the Parties have been in active discovery, and Defendant Ehrlich's and several third-party depositions are scheduled to occur later this month and throughout May.

A district court has "broad discretion to stay proceedings as an incident to its power to control its docket." *Clinton v. Jones*, 520 U.S. 681, 706, 117 S. Ct. 1636, 1651 (1997). Courts in this District consider the following factors in deciding whether to stay a case: "(1) the private interests of the plaintiffs in proceeding expeditiously with the civil litigation as balanced against the prejudice to the plaintiffs if delayed; (2) the private interests of and burden on the defendants; (3) the interests of the courts; (4) the interests of persons not parties to the civil litigation; and (5) the public interest." *Kappel v. Comfort*, 914 F. Supp. 1056, 1058 (S.D.N.Y. 1996).

Granted
 SO ORDERED
Levi Kaplan
 LEWIS A. KAPLAN, USDI
 4/22/25